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WAGIC-00113

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**MAIL STOP PATENT APPLICATION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Anticipated Classification of this Application:  
Class: \_\_\_\_\_ Subclass: \_\_\_\_\_  
Prior Application: 10/218,404  
Examiner: Thomas, David B.  
Art Unit: 3723

**TRANSMITTAL OF FILING UNDER 37 C.F.R. § 1.53(b)**

Sir:

This is a request for filing a Continuation application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 10/272,713 filed on October 16, 2002 of Kenneth R. Johnson et al. for **TOOL HANDLE FOR HOLDING MULTIPLE TOOLS OF DIFFERENT SIZES DURING USE**

**CERTIFICATION UNDER 37 § 1.10**

I hereby certify that this new application and the document referred to as enclosed herein are being deposited with the United States Postal Service on this date April 16, 2004, in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number EV435942249US addressed to: **MAIL STOP PATENT APPLICATION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Francis Guerra  
(Name of Person Mailing Paper)

  
Signature

1. Copy of Prior Application as Filed Which is Attached

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed. The copy of the papers of prior application as filed which are attached are as follows: 23 page(s) of specification; 11 page(s) of claims; 1 page(s) of abstract; 31 Sheet(s) of drawings and a combined declaration with power of attorney (executed). The original assignment including form PTO-1595 was filed June 11, 1999, copy attached.

2. Amendments

X Cancel in this application original claims 2-35 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

X A preliminary amendment is enclosed, including changes to the specification, claims and remarks.

3. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS FILED				
	Number Filed	Number Extra	Rate	Basic Fee (37 C.F.R. § 1.16(a))
				740.00
Total Claims (37 C.F.R. § 1.16(c))	22 - 20 =	2	\$18.00	36.00
Independent Claims (37 C.F.R. § 1.16(b))	4 - 3 =	1	\$86.00	86.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$290.00	0.00
Filing Fee Calculation				\$898.00
Filing Fee Calculation (50% of above)				\$449.00
Other Fees				
<u>X</u> Assignment Recordation Fee				40.00
Total Fee				\$489.00

4. Drawings

Sheets of drawings are enclosed.

31 Formal.

5. Relate Back-35 U.S.C. § 120

X The specification has been amended by inserting before the first line the sentence:

-This Patent Application is a continuation of co-pending U.S. Patent  
Application Serial No.10/272,713 filed on October 16, 2002.

6. Inventorship Statement

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application is (are):

X the same.

(b) The inventorship for all the claims in this application is:

X the same.

7. Applicants are entitled to small entity status

8. Fee Payment Being Made At This Time

X Enclosed.

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Total Fees Enclosed \$ 489.00

9. Method of Payment of Fees

X Enclosed is a check in the amount of \$489.00 ( The filing fee is \$449.00 plus \$40.00 to cover the assignment recordation fee ).

10. Authorization To Charge Additional Fees

X The Commissioner is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

11. Power of Attorney

X The power of attorney in the prior application is to: Jonathan O. Owens  
HAVERSTOCK & OWENS LLP.

1. X The power appears in the original papers as filed on September 24, 1999 , a copy is attached.

2. X Address all future communications to:  
HAVERSTOCK & OWENS LLP  
ATTN: Jonathan O. Owens  
162 North Wolfe Road  
Sunnyvale CA, 94086

12. Maintenance of Codependency of Prior Application

X This application is a continuation of co-pending Serial No. 10/272,713 filed on October 16, 2002.

13. X Incorporation by Reference

The entire disclosure of the prior application(s), from which a copy of the oath of declaration is supplied under Box 1, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: April 16, 2004

By: Jonathan O. Owens  
Name: Jonathan O. Owens  
Registration No.: 37,902